

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED,

No. C 10-2769 CW

Plaintiff,

ORDER GRANTING
STIPULATION TO
FILE UNDER SEAL
(Docket No. 152)

v.

HOOPS ENTERPRISE LLC; and ANTHONY
KORNRUMPF,

Defendants.

AND ALL RELATED CLAIMS

Plaintiff Adobe Systems Incorporated and Defendants and Counter-claimants Hoops Enterprise LLC and Anthony Kornrumpf have filed a stipulation to file under seal Plaintiff's unredacted reply in further support of Plaintiff's Motion for Partial Summary Judgment.

Plaintiff has also filed a declaration in support of the stipulation. In the declaration, Plaintiff states that the portions of the reply that the parties seek to seal discuss and quote from contracts between Adobe and third parties that the Court has previously granted permission to file under seal. Wang Decl. ¶¶ 2-4, Docket No. 152. The Court notes that it has also granted permission for certain portions of Defendant's opposition to Plaintiff's Motion for Partial Summary Judgment that also discuss from and quote the same contracts to be filed under seal, based on Plaintiff's earlier declaration stating that those

1 documents contain "contract terms and language that is used by
2 Adobe in its current contracts with authorized distributors . . .
3 protected by separate confidentiality provisions" with these
4 distributors, and that public disclosure of these confidential
5 terms would reveal "Adobe's internal workings and trade secrets
6 regarding a core aspect of its business." Drey Decl. ¶ 3, Docket
7 No. 140.

8 Plaintiff's filing is connected to a dispositive motion. To
9 do establish that the document is sealable, the parties "must
10 overcome a strong presumption of access by showing that
11 'compelling reasons supported by specific factual findings . . .
12 outweigh the general history of access and the public policies
13 favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d
14 665, 679 (9th Cir. 2010) (citation omitted). This cannot be
15 established simply by showing that the document is subject to a
16 protective order or by stating in general terms that the material
17 is considered to be confidential, but rather must be supported by
18 a sworn declaration demonstrating with particularity the need to
19 file each document under seal. Civil Local Rule 79-5(a).

20 Documents cannot be sealed based solely on the parties'
21 stipulation. See id. However, Plaintiff has provided compelling
22 reasons supporting the sealing of its unredacted reply in its
23 declaration in support of the stipulation and in its previous
24 declaration.

25 Accordingly, the parties' stipulation to file under seal is
26 GRANTED (Docket No. 152). Within four days of the date of this
27 Order, Plaintiff shall file its unredacted reply in further
28

1 support of Plaintiff's Motion for Partial Summary Judgment under
2 seal.

3 IT IS SO ORDERED.

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5 Dated: 1/9/2012


CLAUDIA WILKEN
United States District Judge